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15 March 1978

MORI/CDF

OLC #78-3314/11

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MEMORANDUM FOR THE RECORD

FROM : [redacted]
Associate General Counsel

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SUBJECT : Question from [redacted] Office of Public Affairs

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1. On 13 March [redacted] asked the Office of General Counsel Librarian, [redacted], if she could furnish information concerning a question received from Dan Gilmore, UPI. Gilmore asked if any law prohibited U.S. intelligence officers from working for a foreign government after retirement.

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[redacted]

2. I reviewed the code index and came up with one prohibition. This prohibition applies specifically to State Department employees "while holding office" (22 U.S.C. 805). I did note that on the affirmative side of the question Title 26 of the U.S. Code sets forth the Internal Revenue Code which provides for the reporting of income received by U.S. citizens from governments in foreign countries.

3. On 14 March I contacted [redacted] and explained to him that my initial research had not located any specific prohibition. I further stated that it would appear that we needed a lot more information, namely, where the employment took place, how long it was to last, the kinds of fee arrangements, etc. I explained that the Foreign Agents Registration Act (18 U.S.C. 951) only applies to acts of foreign agents in the United States. [redacted] said that he would respond to Mr. Gilmore's question by suggesting that due to the complexity of the problem Mr. Gilmore should contact the Department of Justice.

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[redacted] stated that he would not give any details to Gilmore about [redacted]. This answer was sufficient for [redacted] purpose.

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